

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

R.R. and D.R. o/b/o M.R.,

Plaintiffs,

Civil Action 08 CV 0247 (BSJ) (FM)

--against--

SCARSDALE UNION FREE SCHOOL DISTRICT,

Defendant.

**AMENDED NOTICE OF
MOTION FOR
MODIFIED *DE NOVO* REVIEW
ON APPEAL**

TO: Stephanie M. Roebuck, Esq.
Eric L. Gordon, Esq.
Attorneys for Defendant
445 Hamilton Avenue, 15th Floor
White Plains, NY 10601

PLEASE TAKE NOTICE that upon the affidavit of Gary S. Mayerson, sworn to June 30, 2008, the pleadings and prior proceedings, the accompanying memorandum of law, the prior administrative record being maintained by the defendant as custodian, and upon the additional evidence being requested on this motion, plaintiffs will move this Court before the Honorable Barbara S. Jones, U.S.D.J., at the United States District Court, 500 Pearl Street, New York, in accordance with the Court's prior March 26, 2008 Order, or at such other time as the Court may determine for: (a) a modified *de novo* review and reversal of the underlying administrative decision of the State Review Officer for the 2005-2006 and 2006-2007 school years, and reinstating the Impartial Hearing Officer's fact-findings (except as to Prong III for the 2006-2007 school year); (b) awarding plaintiffs the declaratory and reimbursement relief that had been sought below; (c) declaring plaintiffs' status as a "substantially prevailing party" for purposes of the fee-shifting provision of the IDEA statute; (d) granting leave to plaintiffs to submit a fee application; and (e) granting plaintiffs such other, different and further relief as the Court may deem just and proper.

Dated: New York, New York
July 2, 2008



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